

Timeline for Presidential Assent: A Constitutional Necessity or Judicial Over-reach?

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TIMELINE FOR PRESIDENTIAL ASSENT

A Constitutional Necessity or Judicial Over-reach?

ABSTRACT

The President of India, our first Indian citizen, as the Constitutional Head of the Union, embodies the nation's unity and Constitutionalism. The President wields Veto, Ordinance-making, emergency, and pardoning powers to uphold Constitutional Supremacy. In India, a Law becomes a Statute after a Bill passed by the Parliamentary Houses is assented to by the President. Democratic accountability and Federal Balance are safeguarded by this act (i.e., the Presidential Assent).

This current paper outlines the question of the Constitutional Necessity or Judicial Over-reach in the Timeline of Presidential Assent in India. Presidential Assent plays a pivotal role in the Federalism concept, i.e., being a Constitutional distribution of powers between the Union and the States to ensure unity with autonomy. Indian Constitutional frameworks are outlined in Articles 111, 200, and 201. The British Influence, Constituent Assembly Debates, and Earlier practices are being elaborated for analyzing the Historical Origins. *Shameswar Singh*¹ (1974); *Hoechst Pharmaceuticals Ltd.*² (1983), *Kaiser-I-Hind Pvt. Ltd.*³ (2002), and many such landmark case laws are examined for finding the Legislative Supremacy and answers for the question raised in this paper. The debate on Constitutional Necessity and Judicial Over-reach for the Presidential assent timeline is scrutinized to further get Constitutional reforms in case of any arbitrariness or over-reach of the powers.

The Comparable-Doctrinal analysis is also done from Australia, Canada, and the UK to understand the adaptation or Constitutional reforms, and recommendations that can be made to answer the Constitutional Necessity and restrict judicial over-reach, so as to empower the Legislative Supremacy along with the Federalism concept.

1 *Shamsher Singh & Anr. v. State of Punjab*, [1974 AIR 2192, 1975 SCR (1) 814]

2 *Hoechst Pharmaceuticals Ltd. and Others v. State of Bihar and others*, [1983 AIR 1019, 1983 SCR (3) 130]

3 *Kaiser-I-Hind Pvt. Ltd. and Ors. v. National Textile Corp. (Maharashtra North) Ltd. & Ors.*, [AIR 2002 SC 3404]

KEYNOTES: *Presidential Assent; Constitutional Necessity; Judicial Over-reach; Federalism; Legislative Supremacy; Constitutional Reform.*

1. INTRODUCTION:

1.1. Background of Presidential Assent in a Parliamentary Democracy

“Westminster Principle of Royal Assent”⁴ - The UK was taken as a model for the practice of Presidential Assent in India. Royal Assent⁵ outlines the structure of the UK's Historical monarchical system, i.e., the head of state, their assenting or approving of the legislation or Bills passed by the Parliament, which will later become a Statute. Articles 111 and 200⁶ of the Indian Constitution, 1950, mandate that without Presidential Assent, no bills other than money bills can be transformed into a Law.

1.2. Importance of Assent in Legislative

Final Constitutional Step, Guard against Unconstitutional Laws, and Federal Balance Maintenance are the core aspects of assents in the Legislative.

- Final Constitutional Step: The Rajya Sabha and the Lok Sabha of India, both houses, pass bills for the President's assent, affirming democratic legitimacy⁷.
- Guard against Unconstitutional Laws: The President has the option to withhold or return bills other than the money bills so as to check on the probable unconstitutional or hasty legislation.

4 V. Sudhish Pai, *Upholding Constitutionalism and Restoring Constitutional Order*, (12 May 2025), SCC Online Times, available at: [<https://www.scconline.com/blog/post/2025/05/12/upholding-constitutionalism-and-restoring-constitutional-order/#:~:text=The%20Constitution%20has%20adopted%20the,the%20constitutional%20monarch%20in%20Britain.>] accessed on 23 August 2025

5 *Royal Assent*, UK Parliament, available at: [<https://www.parliament.uk/about/how/laws/passage-bill/commons/coms-royal-assent/>], accessed on 23 August 2025

6 *Article 111 in Constitution of India*, IndianKanoon.org, available at: [<https://indiankanoon.org/doc/158646/>], accessed on 23 August 2025

7 *The Role of the President in India's Legislative Process*, India - Democracy and Development, (29 February, 2024), available at: [<https://polsci.institute/india-democracy-development/role-president-india-legislative-process/>] accessed on 23 August 2025

- **Federal Balance Maintenance:** Articles 200 and 201 of the Indian Constitution, 1950, provide for the Governor's Assent (or referral to the President) to bills by the State, ensuring harmony with Union Laws.

1.3. **Research Problem: Delay and uncertainty in the Assent Timeline**

Constitutional silence on timeframe, Supreme Court-imposed deadlines, and Tensions over judicial intervention are the contemporary delays and uncertainty in the assent timeline. The main case⁸ that highlights the research problem covers the stated contemporary delays and uncertainty, as the Constitutional silence on the time frame through the Articles 111, 200 and 201; and further the tension over judicial intervention has incurred due to the Hon'ble President Murmu's invocation of Article 143 of the Indian Constitution, 1950, where the Question to court's authority to impose the timelines in Article 200 & 201 of the Indian Constitution, 1950; and to which in April 2025 - the Supreme Court provided the direction to have a 3 month timeline for Presidential assent (inclusive of requirements & delay reasons).

1.4. **Objective and Scope**

- **Objective:** To analyse the concept of introducing a Timeline for assent as a constitutional necessity to safeguard democratic efficiency, or the Article 200 & 201's silence and the direction of the court depicts the judicial over-reach⁹.
- **Scope:** Examining the Assent clause in the Constitution, court decisions such as the Supreme Court's April 2025 decision, analogous models, and reform ideas for accountability and corrections¹⁰.

2. **CONSTITUTIONAL FRAMEWORK:**

⁸ *The State of Tamil Nadu vs. The Governor of Tamil Nadu & Anr.* [2025 INSC 81], api.sci.gov.in; available at: [https://api.sci.gov.in/supremecourt/2023/45314/45314_2023_11_1501_60770_Judgement_08-Apr-2025.pdf], accessed on 23 August 2025

⁹ *Presidential Reference on Powers of the Governor and President* (13 May 2025), SCO, available at: [<https://www.scobserver.in/cases/presidential-reference-on-powers-of-the-governor-and-president-re-assent-withholding-or-reservation-of-bills-by-the-governor-and-president-of-india/>], accessed on 23 August 2025

¹⁰ *Supreme Court Timelines on Bill Assent Under Advisory Jurisdiction* (24 July 2025), The Usthadian, available at: [<https://www.usthadian.com/supreme-court-timelines-on-bill-assent-under-advisory-jurisdiction/>], accessed on 23 August 2025

2.1. Articles Governing Presidential Assent

The Union Level and State Level provisions of the Indian Constitution, 1950, are Articles 111, & Articles 200 and 201,¹¹ respectively¹².

According to Article 111 of the Indian Constitution, 1950 focuses on the bills passed by both Houses of Parliament, is presented to the President for Assent, may: (a) give assent; (b) withhold assent; or (c) return the Bill [if not a Money Bill] with recommendations for reconsideration¹³.

According to Article 200 and 201 of the Indian Constitution, 1950 focuses on the bills passed by the State Legislatures, is presented to the Governor for assent may: (a) give assent; (b) withhold assent; or (c) return the Bill [if not a Money Bill] for reconsideration, or (d) reserve the Bill for the Consideration of the President. Once reserved, Article 201 of the Indian Constitution, 1950, the President will exercise similar powers¹⁴.

The Westminster system - Constitutional assent formality: The Governor and the President have discretion in certain cases, especially when a Bill conflicts with Central law, National Interest, or violates constitutional provisions - exhibits constitutional nuance lies in mandatory vs. discretionary powers.

2.2. Types of Assent under Article 111

The Absolute assent; withholding of Assent (Veto Power); and Returning the Bill for Reconsideration are the types of assent under Article 111 of the Indian Constitution, 1950.

- Absolute assent is where the Presidential assent is *granted*, making the Bill a Law. This aids in Parliamentary Sovereignty.

11 *The Constitution of India*, (1 May 2024), available at: https://ddashboard.legislative.gov.in/sites/default/files/coi/COI_2024.pdf, accessed on 23 August 2025.

12 What are Articles 200 and 201 of the Indian Constitution?, available at: <https://www.jagranjosh.com/general-knowledge/what-are-articles-200-and-201-of-the-indian-constitution-1820000894-1>, accessed on 23 August 2025

13 Article 111 of Indian Constitution: Assents to Bills - Testbook, available at: <https://testbook.com/constitutional-articles/article-111-of-indian-constitution>, accessed on 23 August 2025

14 Almost all questions in presidential reference have been answered in TN Governor Judgement, SC Observer, available at: <https://www.scobserver.in/journal/almost-all-questions-in-presidential-reference-have-been-answered-in-tn-governor-judgement> accessed on 23 August 2025

- Veto Power: Constitutional Checks and Balances are determined by this Power, where the President may *refuse* assent.
- Reconsideration of Bill: The President may *return* the non-monetary bill for reconsideration by the Parliament. When the Parliamentary houses, with or without modifications, resend the bill, the Presidential assent is bound to be given; further, this enables a mechanism to promote legislative and Executive conversations.

At the State Level, the Governor (as a referral of the President), through reservation power under Article 200 of the Indian Constitution, 1950.

2.3. Absence of Explicit Timeframe

Article 111 of the Indian Constitution, 1950, nor Article 200-201 of the Indian Constitution, 1950, features the absence of an explicit constitutional timeframe (i.e., no prescribed deadline for the President's or Governor's assent). There is only a phrase "as soon as possible" in Article 200, subject to interpretation, where the judiciary was not implementing any timeline prior, as initiating constitutional functionaries to act reasonably and without delay.

The President and Governors have at times kept bills for an extensive time period, creating a lapse or paralysis, creating federal imbalances. There is always a timely decision-making process required in any organ of the Government (i.e., the Legislature, Executive, and Judiciary). Thus, in recent times, the Supreme Court directions were also aligned as per the timely decision-making requirements.

An absence of deadlines or lacunae in such provisions establishes that the legislative efficiency and cooperative federalism spirit is being threatened.

3. **HISTORICAL ORIGINS:**

3.1. Colonial Background [1858-1935]

3.1.1. 1858 - Transfer of Power to the Crown

British Crown's control over East India Company in India after the 1857 revolt - Legislative councils introduced through the Indian Council Act, 1861, where Bills to become law required the Governor-General's assent.

3.1.2. 1935 - Government of India Act, 1935

The pre-law for the Indian Constitution provided the Governor's Assent (i.e., for Provincial Bills) & Governor-General's Assent (i.e., for Central Bills) - allowing the Governor to reserve bills for consideration of the Crown [British Government in London]. Articles 200 and 201 of the Indian Constitution, 1950, were inherited provisions from the "reservation for higher assent".

3.2. Constituent Assembly Phase [1947-1949]

3.2.1. 1947-1949 - Drafting Stage

An "as soon as possible" was replaced with the Debates on the Proposed Presidential Assent, with options of withholding, returning, and approving with strict guidelines¹⁵.

3.2.2. 10 December 1948 - Constituent Assembly Debate

Legislative supremacy was emphasized in this Constituent Assembly debate, asserting the rejection of absolute veto power, by limiting the President to assent, to return once, or to withhold powers on the bills¹⁶.

3.3. Early Republic [Post-1950]

3.3.1. 1950 - Constitution of India comes into force

¹⁵ Article 325: No person to be ineligible for inclusion in, or to claim to be included in a special, electoral roll on grounds of religion, race, caste or sex, *Constitution Assembly Debates*, Constitution of India, available at: <<https://www.constitutionofindia.net/>> assessed as on 4th September 2025

¹⁶ *Constituent Assembly Debates on 10 December 1948*, available at: <<https://indiankanoon.org/doc/1954671/>> assessed on 4th September 2025

Articles 111, 200, and 201 of the Indian Constitution, 1950 are the main provisions that underline our paper's Presidential and Governor's assent for Legislative Enactment privileges.

3.3.2. 1950s-1960s - Routine Practice

Most of the bills' assent was largely prompted, with minimal controversy, establishing the constitutional formality. For example: The legislative-executive harmony established in - *Recognition of States Act, 1956* - where President Dr. Rajendra Prasad assented promptly; *The Hindu Marriage Act, 1955* - timely assent received from the President; etc.

3.4. First Major Test of Delay [1986] - President Zail Singh's "Pocket Veto"

Indian Post Office (Amendment) Bill, 1986 - The 1st major Test of Delay by President Zail Singh's "Pocket Veto", where it was neither assented to nor returned, by exploiting the constitutional silence on timelines¹⁷.

3.5. Judicial and Political Scrutiny [2000 onwards]

3.5.1. 2006 Onwards - Judicial Push for Accountability

Indefinite delays by Governors were criticized by Courts, especially stressing that the Assent is not merely a constitutional formality. The same was showcased in the 2002 Supreme Court case¹⁸, "*Kaiser-i-Hind Pvt Ltd. and Another vs. National Textile Corporation Ltd.*"¹⁹.

3.5.2. 2023-2024 - SC Reaffirmations²⁰

¹⁷ In which year did the Parliament pass a bill known as Indian Post Office (amendment) bill, that was widely criticised by many for it sought to curtail the freedom of the press?, [testbook.com](https://testbook.com/question-answer/in-which-year-did-the-parliament-pass-a-bill-known--61de9021533140ecabfc7874#:~:text=4.6,bill%20to%20Parliament%20for%20reconsideration), available at: <https://testbook.com/question-answer/in-which-year-did-the-parliament-pass-a-bill-known--61de9021533140ecabfc7874#:~:text=4.6,bill%20to%20Parliament%20for%20reconsideration> accessed on 5th September 2025

¹⁸ *Doctrine of Repugnancy*, iPleaders, available at: <https://blog.ipleaders.in/need-know-doctrine-repugnancy> accessed on 5th September 2025

¹⁹ *Kaiser-i-Hind Pvt Ltd. and Ors. vs. National Textile Corporation (Maharashtra North) Ltd. and Ors.*, [MANU/SC/0834/2002], available at: <https://www.manupatracademy.com/legalpost/manu-sc-0834-2002> accessed on 5th September 2025

²⁰ Aaratrika Bhaumik, *Supreme Court defers hearing Punjab government's plea over delay in clearing bills*, (18 August 2025), The Hindu, available at: <https://www.thehindu.com/news/national/supreme-court-defers-hearing-punjab-governments-plea-over-delay-in-clearing-bills/article69947127.ece> accessed on 5th September 2025

*State of Punjab vs. Principal Secretary to the Governor of Punjab*²¹; and *State of Tamil Nadu vs. the Governor of Tamil Nadu & Anr.*²² were the main Supreme Court cases that reaffirmed the delay in the Governor's Assent²³.

4. INTERPRETATIONS BY THE JUDICIARY

4.1. Assent by the Governor (Articles 200 & 201)

4.1.1. *Purushothaman Nambudiri v. State of Kerala*²⁴

- **Facts:** A challenge was made on the Kerala Agrarian Relations Bill, which was passed by the Governor for his assent, to be valid or not.
- **Issue:** Whether the assent given by the Governor/President can be questioned in court?
- **Bench:** 5-Judge Bench (Justices Gajendragadkar P.B.; Sarkar A.K.; Wanchoo K.N.; Gupta K.C.; Das Ayyangar N.; & Rajagopala).
- **Held:** Governor's assent once given, its validity cannot be challenged, as it's an integral part of the legislative action.

4.1.2. *Kaiser-i-Hind Pvt. Ltd. v. National Textile Corporation*²⁵

2025

21 *State of Punjab vs. Principal Secretary to the Governor of Punjab* [2023 INSC 1017], available at: <<https://www.scobserver.in/wp-content/uploads/2023/11/State-of-Punjab-v-Principal-Secretary-to-the-Governor-of-Punjab-2023.pdf>> accessed as on 5th September 2025

22 *State of Tamil Nadu vs. the Governor of Tamil Nadu & Anr.* [2025 INSC 481], available at: <https://api.sci.gov.in/supremecourt/2023/45314/45314_2023_11_1501_60770_Judgement_08-Apr-2025.pdf> accessed as on 5th September 2025

23 *SC slams TN Governor, Fies Time for Assent* - Civildaily, available at: <<https://www.civildaily.com/news/must-act-with-due-deference-to-conventions-of-parliamentary-democracy-supreme-court-sets-aside-tn-governors-reservation-of-10-bills>> accessed on 5th September 2025

24 *Purushothaman Nambudiri Vs. The State of Kerala* [(1961 INSC 346: 1961 Latest Caselaw 346 SC], (5 December 1961), [latestlaws.com](https://www.latestlaws.com), available at: <<https://www.latestlaws.com/latest-caselaw/1961/december/1961-latest-caselaw-346-sc/>> accessed on 5th September 2025

25 *Kaiser-i-Hind Pvt Ltd. and Ors. vs. National Textile Corporation (Maharashtra North) Ltd. and Ors.*, [MANU/SC/0834/2002], available at: <<https://www.manupatracademy.com/legalpost/manu-sc-0834-2002>> accessed on 5th September 2025

- **Facts:** A Central Act's²⁶ validity was challenged as it violates the Fundamental Rights. Further, he contended that existing State Legislation should prevail over the 1971 Central Act due to the President's Assent under Article 25(2)²⁷.
- **Issue:** Whether the conflicting State law with Central Law is validated by the Presidential assent under Article 254(2) of the Indian Constitution, 1950?
- **Bench:** 5-Judge Constitution Bench (Justices G.B.Pattanaik, M.B.Shah; Doraiswamy Raju, S.N.Variava; D.M.Dharmadhikari).
- **Held:** As a constitutional safeguard, the conscious application of the President's mind is required, as the Assent is not a formality.

4.1.3. *Nabam Rebia v. Deputy Speaker*²⁸

- **Facts:** Political crisis in Arunachal Pradesh, i.e., "the 21 Congress MLAs rebelled against
 - The Chief Minister Nabam Tuki for misusing funds and indulging in futile expenditures; &
 - The Speaker Nabam Rebia disqualified those rebelling MLAs on the grounds of defection.

So the MLAs sent a letter to the Governor to communicate the Speaker's and the Government's displeasure. The Governor

²⁶ The Public Premises (Eviction of Unauthorised Occupants) Act, 1971

²⁷ *Presidential Assent under Article 254(2): Supreme Court clarifies its Scope in Kaiser-I-Hind Pvt. Ltd. vs. NTCL* (Sep 26, 2002), [casemine.com](https://www.casemine.com/commentary/in/presidential-assent-under-article-254(2)-supreme-court-clarifies-its-scope-in-kaiser-i-hind-pvt.-ltd.-v.-ntcl-(2002)/view), available at: <[https://www.casemine.com/commentary/in/presidential-assent-under-article-254\(2\)-supreme-court-clarifies-its-scope-in-kaiser-i-hind-pvt.-ltd.-v.-ntcl-\(2002\)/view](https://www.casemine.com/commentary/in/presidential-assent-under-article-254(2)-supreme-court-clarifies-its-scope-in-kaiser-i-hind-pvt.-ltd.-v.-ntcl-(2002)/view)> accessed as on 5th September 2025

²⁸ Chiranjeev Dubey, O.P. Jindal Global University, *Nabam Rebia v. Deputy Speaker [(2016) 8 SCC 1]*, IJLLR, Volume VI Issue VI| ISSN: 2582-8878, available at: <https://3fdef50c-add3-4615-a675-a91741bcb5c0.usrfiles.com/ugd/3fdef5_7fdac18647494673b52af098372d18dd.pdf> accessed as on 5th September 2025

advanced the assembly session without the CM's advice and also adopted a resolution removing the Speaker"²⁹.

- **Issue:** Whether the Governor has such a scope in the Indian Constitution, 1950, for exercising their wide discretionary powers?
- **Bench:** 5-Judge Constitution Bench (Justices J.S. Khehar; Dipak Misra; Madan B. Lokur; Pinaki Chandra Ghose; and N.V. Ramana).
- **Held:** "Governor has powers to (a) summon; (b) prorogue or (c) dissolve the State Legislature under Article 174 of the Indian Constitution. Further under Article 179(c) of the Indian Constitution, the Speaker can be removed by passing a majority of the members of the assembly"³⁰.

4.1.4. *State of Punjab v. Principal Secretary to the Governor of Punjab*³¹

- **Facts:** "This is based on the Summoning of the Punjab Vidhan Sabha for its Budget session - this was a recommendation forwarded by the Council of Ministers of the Punjab Government to their Governor. But the Governor refused to assent, asserting the need for legal advice."³²
- **Issue:** Whether the Governor can withhold actions on bills; and further to analyse - Whether there is any permissible law for the Speaker to re-pause the Vidhan Sabha session as it has been adjourned and not been dissolved?

²⁹ *President's Rule: Judgement Summary* (13th July 2016), SCObserver.in, available at: <<https://www.scobserver.in/reports/nabam-rebia-deputy-speaker-arunachal-pradesh-presidents-rule-judgment-in-plain-english/>> accessed as on 5th September 2025

³⁰ Supra, fn 32

³¹ *State of Punjab vs. Principal Secretary to the Governor of Punjab [2023 INSC 1017]*, available at: <<https://www.scobserver.in/wp-content/uploads/2023/11/State-of-Punjab-v-Principal-Secretary-to-the-Governor-of-Punjab-2023.pdf>> accessed as on 5th September 2025

³² Constitutional Law, *Analysis of Supreme Court's Judgement on Power of Governor*, [drishtijudiciary.com](https://www.drishtijudiciary.com/editorial/analysis-of-supreme-court-judgment-on-power-of-governor), available at: <<https://www.drishtijudiciary.com/editorial/analysis-of-supreme-court-judgment-on-power-of-governor>> accessed as on 5th September 2025

- **Bench:** 3-Judge Bench (CJI D.Y. Chandrachud; Justices JB Pardiwala; and Manoj Misra).
- **Held:** Governor can under Article 200 (2) of the Indian Constitution, 1950, for the President's consideration can hinder/ reserve the State's lawmaking.

4.1.5. *State of Tamil Nadu vs. the Governor of Tamil Nadu & Anr.*³³

- **Facts:** The State Legislature of Tamil Nadu which proposed 12 bills for Governor's Assent under Article 200 of the Indian Constitution, but the Governor reserved those bills for President's Advice, as they were "intra-vires the Entries 66 of List I, 32 of List II & 25 of List III of the Indian Constitution"³⁴.
- **Issue:** Whether the Governor can withhold the bills; pendency of several files concerning Article 316, release of prisoners, etc.?
- **Bench:** Division Bench (Justices J.B. Pardiwala & R. Mahadevan)
- **Held:** The paramount consideration of the Governor and State Government is to work harmoniously for the interest and well-being of the people.

4.2. Presidential Assent (Article 111 & 254)

4.2.1. *Gram Panchayat of Village Jamalpur v. Malwinder Singh*³⁵

- **Fact:** This case is based on a conflict of 2 Acts³⁶ that are based on Land extinguished for Gram Panchayats³⁷.

³³ *State of Tamil Nadu vs. the Governor of Tamil Nadu & Anr. [2025 INSC 481]*, available at: <https://api.sci.gov.in/supremecourt/2023/45314/45314_2023_11_1501_60770_Judgement_08-Apr-2025.pdf> accessed as on 5th September 2025

³⁴ Indian Case Law, casemine.com, available at: <<https://www.casemine.com/search/in/entry%252B66>> accessed on 5th September 2025

³⁵ *Gram Panchayat of Village Jamalpur v. Malwinder Singh [(1985) 3 SCC 661]*, v|vlex.in, available at: <<https://vlex.in/vid/appeal-civil-1401-of-852331099>> accessed as on 5th September 2025

³⁶ Section 8 (2) of Administration of Evacuee Property Act, 1950 (vs.) Section 3 of Punjab Village Common Lands (Regulation) Act, 1953

³⁷ Shalmlat-deh lands; & Hasab Rasad Khewat lands in Punjab

- **Issue:** Whether the conflict between 2 acts causing repugnancy, can be protected by Presidential Assent?
- **Bench:** 5 judge-bench (Justices Y.V. Chandrachud, Syed Murtaza Fazalali, V.D. Tulzapurkar, O. Chinnappa Reddy, A. Varadarajan)
- **Held:** SC held that once Presidential assent is given, the law is protected under Article 254(2) even if assent was delayed.

4.2.2. *Hoechst Pharmaceuticals Ltd. v. State of Bihar*³⁸

- **Facts:** An inconsistent Central Act alleged due to the Bihar Finance Act, 1981, imposition of a surcharge on sales tax; validity questioned.
- **Issue:** Whether Article 254(2) of the Indian Constitution, expressing the Presidential assent, was validly given?
- **Bench:** 3-Judge Bench (Justices Sen A.P., Venkataramiah E.S., & Misra R.B.).
- **Held:** “In case of conflict between the State Law and Central Act, the Union Law prevails as per Article 254 of the Indian Constitution.”³⁹ Further, it is also to be noted that Assent by the President is not an idle or mechanical act.

4.2.3. Zail Singh’s “Pocket Veto”⁴⁰

³⁸ *Hoechst Pharmaceuticals Ltd. v. State of Bihar* [(1983) 4 SCC 45], [blog.ipleaders.in](https://blog.ipleaders.in/hoechst-pharmaceuticals-ltd-ors-vs-state-of-bihar-ors-1983/), available at: <<https://blog.ipleaders.in/hoechst-pharmaceuticals-ltd-ors-vs-state-of-bihar-ors-1983/>> accessed on 5th September 2025

³⁹ Part XI (Relations Between the Union and the States), available at: <<https://iasorigin.com/part-xi-relations-between-the-union-and-the-states-articles-245-263>> accessed as on 8th September 2025

⁴⁰ *In which year did the Parliament pass a bill known as Indian Post Office (amendment) bill, that was widely criticised by many for it sought to curtail the freedom of the press?*, [testbook.com](https://testbook.com/question-answer/in-which-year-did-the-parliament-pass-a-bill-known--61de9021533140ecabfc7874#:~:text=4.6,bill%20to%20Parliament%20for%20reconsideration), available at: <<https://testbook.com/question-answer/in-which-year-did-the-parliament-pass-a-bill-known--61de9021533140ecabfc7874#:~:text=4.6,bill%20to%20Parliament%20for%20reconsideration>> accessed on 5th September 2025

- During the 1982 to 1987 tenure, the first and only pocket veto in the 1986 amendment bill by the President⁴¹ of that period.
- The Amendment Bill⁴², 1986, emphasized and provided extensive powers for intercepting mails and removing exclusive privileges of the Indian Post over Postal services. The President informally suggested a change on 2 occasions. Since no changes were made, the pocket veto was exercised by him.
- Article 111 of the Indian Constitution, 1950 - asserts that the President shall assent, withhold, or return the bill from the Parliament for reconsideration.
- The Pocket Veto is where the President has the power to take no action against the bill that comes to his notice for assent.

5. THE DEBATE: CONSTITUTIONAL NECESSITY

Articles 111, 200, and 201 of the Constitution provided power for the Presidential and Governor's Assent in the Indian Parliamentary Democracy. This requirement is essential in the constitutional functioning of the legislative enactments, which is carried out by the Head of the Union as well as the State, representing the responsibility and authority of the constitutional executives. However, an explicit timeline is not provided for the assenting, retaining, or declining of bills - this raised concerns for a paralysis in the Legislature.

The timeline requirements were clearly highlighted in the above judicial interpretation with special reference to the pocket veto⁴³, etc., on assenting bills, stating the delays or abstains must not obstruct the constitutional morality that is, 'the Legislative supremacy, democratic efficiency, and Federal Comity'. Thus establishing the constitutional necessity of establishing the timeline for assenting to the Bill.

⁴¹ The President Giani Zail Singh

⁴² Indian Post Office (Amendment) Bill, 1986

⁴³ In which year did the Parliament pass a bill known as Indian Post Office (amendment) bill, that was widely criticised by many for it sought to curtail the freedom of the press?, testbook.com, available at: <https://testbook.com/question-answer/in-which-year-did-the-parliament-pass-a-bill-known--61de9021533140ecabfc7874#:~:text=4.6,bill%20to%20Parliament%20for%20reconsideration> accessed on 5th September 2025

6. THE DEBATE: JUDICIAL OVER-REACH

The ‘Separation of Powers’ is also an implied Constitutional Morality of the Indian Constitution. But in the judicial interpretations like the Punjab Governor’s case, the Telangana Governor’s case have directed the Governor to act within a “reasonable time”. Critics argue that initially, the judiciary in the case of the *Nebam Rabia case*⁴⁴, acknowledged the Governor’s discretion, without catering to the timelines; but in the Punjab Governor’s case and Telangana Governor’s case, their contrary statements to these Timelines, showcasing the adjudicatory role to be a constitutional supervisor, establishing the Separation of Powers being breached, their judicial over-reach.

The judiciary is given the power to overlook the constitutional violations that are preventing the abuse, excessive interventions that distort the Basic Structure Doctrine. But the judiciary, they themselves have breached the Separation of Powers, which is one of the Basic Structure Doctrine. They were constantly breaching the Separation of Powers by interfering in the Legislative and Executive matters, especially in this case of assenting to bills. Even though this Constitutional necessity on the timeline for assenting bills was well-intentioned, they do constitute judicial over-reach.

7. REASON FOR THE CONTEMPORARINESS OF THIS PAPER

This paper on the “Timeline for Presidential Assent - A Constitutional Necessity or Judicial over-reach?” has become a contemporary topic, based on the ‘15 reference questions from *Hon’ble President Draupadi Murmu* sought from the court based on advisory opinion under Article 143 of the Indian Constitution, 1950, which basically revolves around the assenting bills and their timelines by the President and Governor, as on May, 2025⁴⁵, where the judiciary provided answers subsequently. Those answers resulted in the establishment of the timelines for Governor’s and Presidential assent that don’t cause any harm to the federal dynamics.

44 Chiranjeev Dubey, O.P. Jindal Global University, *Nabam Rebia v. Deputy Speaker* [(2016) 8 SCC 1], IJLLR, Volume VI Issue V| ISSN: 2582-8878, available at: <https://3fdef50c-add3-4615-a675-a91741bcb5c0.usrfiles.com/ugd/3fdef5_7fdac18647494673b52af098372d18dd.pdf> accessed as on 5th September 2025

45 V. Venkatesan, *15 times the President referred questions to the Supreme Court* (28 May 2025), Supreme Court Observer, available at: <<https://www.scobserver.in/journal/15-times-the-president-referred-questions-to-the-supreme-court/>>, accessed as on 10 September 2025

8. CONCLUSION

These debates are causing a delay in Presidential and Governor's assent, asserts the pressure between the Constitutional necessity and fear of judicial over-reach. The boundaries that were set between the Indian Government's Organs (i.e., the Legislative, Executive & Judiciary) will be hindered if the Judiciary adjudicates the timeline process for the legislature's assenting of bills. The Supreme Court decisions in the Punjab case (2023) and Telangana (2024), emphasizing the judiciary's role in protecting constitutional accountability, will be exaggerating the judicial over-reach. Thus, to have the balance in the governmental organ's functions, a parliamentary or constitutional amendment providing the legitimate solution, ensuring efficiency while respecting the Separation of Powers and the dignity of constitutional offices.

NYAYAVIMARSHA